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Layers of the

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It's no secret that I'm a huge fan of digital collectibles. I've been following the MetaBirkin case for months, and today's landmark decision is nothing short of groundbreaking for the NFT community.

As a proud owner of a few digital collectibles, I was eager to get my hands on exclusive NFTs, where only 100 could be minted and claimed. But, I never got a chance to mint a MetaBirkin.

Following the collection's drop, it was nothing but hypebeast news. Today, the case between **Hermès** and Mason Rothschild—the creator of MetaBirkin—revealed that NFT creators did not own the IP or right to create digital collectibles from brands. In fact, Rothschild has been ordered to pay \$133K to the brand for its illegal use of the word "birkin." In the year long battle to figure out what the hell NFTs were in relation to brands and celebrities, today's landmark decision gives weight to brands in the metaverse, even if they don't file a trademark or have initial presence on the blockchain.

And this isn't just about Hermes: it means that any brand can take action against anyone who makes NFTs using its name or logo without permission.

Now that this landmark decision has been made, what will happen to all those existing assets on chain? Will they become even more covetable?



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Jane Kramer (She/Her) • 3rd+
Creative Solutions Director - UBS Wealth Management USA

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Not accurate. It distinguished the intent behind the product. If you violate a TM and IP to leverage, confuse or mislead to profit you aren't protected by the first amendment. Other work from the same artist, including one piece with a Birkin bag, was not challenged.

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Kerry McLaney • 3rd+
Art + Design + Tech

6d ...

This was a no-brainer legal decision.

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